

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
 v.)
)
 LEE HENRY,)
 Defendant.)

Criminal Nos. 03-80043-MAP 3:59
05-30010-MAP
05-30011-MAP
U.S. DISTRICT COURT
DISTRICT OF MASS

FILED
IN CLERK'S OFFICE

GOVERNMENT'S OBJECTION TO DEFENDANT'S
SEVENTH MOTION TO CONTINUE SENTENCING

Now comes the United States of America, by and through its undersigned attorneys, and moves that this Court deny the Defendant's seventh Motion to Continue Sentencing. The government relies on the following in support thereof.

On January 13, 2005 the defendant was convicted after an eight day jury trial. That day the Court scheduled sentencing for April 14, 2005 and subsequently continued sentencing until May 4, 2005. The defendant's first Motion to Continue Sentencing was filed on or about March 31, 2005. That motion was allowed by the Court and sentencing was subsequently rescheduled for May 25, 2005. The defendant's second Motion to Continue Sentencing was filed on or about May 9, 2005. That motion was allowed by the Court and sentencing was subsequently rescheduled for August 8, 2005. The defendant's third Motion to Continue Sentencing was filed on or about August 1, 2005. That motion was allowed by the Court and sentencing was subsequently rescheduled for September 1, 2005. The defendant's fourth Motion to Continue Sentencing

was filed on or about August 23, 2005. That motion was allowed by the Court and sentencing was subsequently rescheduled for September 14, 2005. The defendant's fifth Motion to Continue Sentencing was filed on or about September 1, 2005. That motion was allowed by the Court and sentencing was subsequently rescheduled for December 15, 2005. The defendant's sixth Motion to Continue Sentencing was filed on or about November 30, 2005. The government objected to the sixth Motion to Continue. However, in an electronic margin Order the Court granted the motion and noted "**No Further Extensions**". (Emphasis added). The Court continued the sentencing until January 27, 2006. The defendant's seventh Motion to Continue was filed on or about January 13, 2006 and requested a continuance until February 19, 2006.

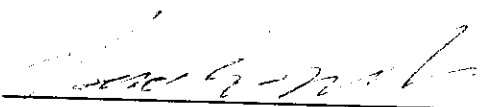
The defendant relies upon one reason in support of his motion. The defendant states that the hearing on to vacate his Connecticut state court drug convictions is scheduled for January 19, 2006 and that he does not know if the motion will be decided before January 27, 2006. The government objects generally to postponing the defendant's sentencing, which is currently scheduled for one year after he was convicted, in order that he might challenge state court convictions which are six years old. Moreover, the government objects to a second continuance in order to await a decision on his motions to vacate his convictions,

particularly in light of the fact that the Court has previously stated that no further continuances will be granted.

Therefore, the government objects to the Defendant's seventh Motion to Continue Sentencing and moves that sentencing go forward on January 27, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney



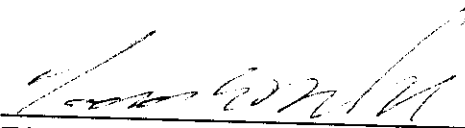
TODD E. NEWHOUSE
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Hamden, ss.

Springfield, Massachusetts
January 18, 2006

I, Todd E. NEW HOUSE, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by mailing said motion to all counsel of record.



TODD E. NEWHOUSE
Assistant United States Attorney